

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2007-358-E - ORDER NO. 2009-59
FEBRUARY 11, 2009

IN RE: Application of Duke Energy Carolinas, LLC) ORDER DENYING
for Approval of Energy Efficiency Plan) MOTION FOR
Including an Energy Efficiency Rider and) CLARIFICATION AND
Portfolio of Energy Efficiency Programs) RECONSIDERATION

This matter comes before the Public Service Commission of South Carolina (“Commission”) on a Motion by Duke Energy Carolinas, LLC (“Duke”) for Clarification and Reconsideration of Order No. 2008-834. For the reasons discussed below, we deny the Motion.

On page 4 of Order No. 2008-834, the following language was stated:

As to the Company’s request to close the record in this matter, the Commission does not want unnecessary delay in issuing its ruling in this matter, and understandably Duke Energy Carolinas would like a ruling on its application. However, the Commission feels certain that the Company and the parties understand how careful the Commission must be when considering a proposal that would involve added costs for customers, especially in the current economic climate; therefore, Duke Energy Carolinas’ request to close the record is denied in order to allow the Commission to review the briefs and determine if any other proceedings are necessary.

Duke first requests that this Commission clarify the reference in the Order to the need for careful consideration of proposals “that would involve added costs for customers,” by acknowledging that under the Settlement Agreement in this Docket, the Company will offset the rate increase associated with Rider EE (SC) with over-collections from its Demand Side Management deferred balance account until the balance

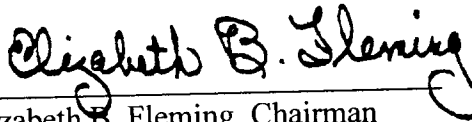
is zero or the Company's next base rate case, whichever occurs first. We do not believe that clarification of our prior Order is necessary at this time. We will fully address Duke's arguments for clarification in our final Order on the merits in this Docket.

Duke further requests reconsideration of Order No. 2008-834 and asks that the record be closed. Duke also asks that a date for the filing of proposed orders be established. Duke argues the immediate need of its customers for Energy Efficiency programs, and the need by the Company for regulatory certainty. These are not new arguments and do not merit reconsideration of our prior Order. As stated in Order No. 2008-834, this Commission does not want unnecessary delay in issuing our ruling on the merits in this matter. Understandably, Duke would like a ruling on its Application. However, Duke's request to close the record must be denied in order to allow this Commission to review the briefs filed on January 15, 2009, by the parties in this case. This Commission will act thoughtfully to consider and rule on the proposals made by the parties.

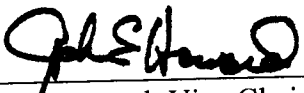
Accordingly, the Motion for Clarification and Reconsideration is denied.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)